

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
SUBDIVISION SERVICING BYLAW NO. 2000, 2002**

***This Bylaw has been consolidated for convenience only and includes all
amendments to the text up to: December 16, 2010***

WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen wishes to adopt a Bylaw to regulate and require the provision of services in respect to subdivision of land pursuant to Part 26, Division 11 of the Local Government Act;

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen wishes to consider requiring the provision of works and services under Section 940 of the Local Government Act as a condition of the issue of a Building Permit;

NOW THEREFORE, the Regional Board of the Regional District of Okanagan-Similkameen, in open meeting duly assembled, **ENACTS AS FOLLOWS:**

1.0 TITLE

This Bylaw may be cited as "The Regional District of Okanagan-Similkameen Subdivision Servicing Bylaw No. 2000, 2002". Text and figures enclosed by brackets (---) are included for information only and do not form part of this Bylaw.

2.0 APPLICATION

Section 2.0 "Applicability: Subdivisions" and 2. 1 "Applicability: Building Permits" deleted and replaced by authority of Bylaw No. 2000.03, 2007, adopted by the Board September 6, 2007.

Section 2.1 deleted and replaced by authority of Bylaw No. 2000.09, 2010, adopted by the Board December 16, 2010.

2.1 This Bylaw applies to all unincorporated lands within the boundaries of the Regional District.

2.2 This Bylaw applies to all subdivisions except:

2.2.1 subdivisions involving only the consolidation of existing parcels, or the consolidation of existing parcels with closed highways; and

2.2.2 subdivisions involving only the adjustment of boundaries between existing parcels and not increasing the number of parcels; so that the level of services provided may, despite this Bylaw, conform to the level of existing services provided to any parcel abutting the parcel being adjusted at the time of approval of the subdivision.

Section 2.3 to 2.5 deleted and replaced by authority of Bylaw No. 2000.04, 2007, adopted by the Board January 8, 2009.

Section 2.3 and 2.4 deleted and replaced by authority of Bylaw No. 2000.05, 2008, adopted by the Board January 8, 2009.

Section 2.3 to 2.7 deleted and replaced by authority of Bylaw No. 2000.07, 2008, adopted by the Board May 7, 2009.

Section 2.3 deleted and replaced by authority of Bylaw No. 2000.08, 2009, adopted by the Board July 2, 2009.

- 2.3 In the case of a subdivision in all Electoral Areas the standards in Table B2 of Schedule B shall apply.

Section 2.4 deleted and replaced by authority of Bylaw No. 2000.09, 2010, adopted by the Board December 16, 2010.

Section 2.4 deleted by authority of Bylaw No. 2000.08, 2009, adopted by the Board July 2, 2009.

- 2.4 Notwithstanding section 2.3 of this Bylaw, in the case of a subdivision approved under s.946 of the *Local Government Act*, the standards in Table B1 of Schedule B shall apply.

Section 2.5 deleted and replaced by authority of Bylaw No. 2000.09, 2010, adopted by the Board December 16, 2010.

Section 2.5 to 2.9 renumbered existing sections to new sections 2.5 to 2.8 by authority of Bylaw No. 2000.08, 2009, adopted by the Board July 2, 2009.

- 2.5 Notwithstanding sections 2.3 of this Bylaw, in the case of a subdivision within the Agricultural Land Reserve for home site severance type subdivision, this bylaw may defer to the Agricultural Land Commission recommendation if the existing dwelling and servicing meet the servicing standards in Table B1 of Schedule B are met.

Section 2.6 to 2.8 renumbered existing sections to new sections 2.8 to 2.10 by authority of Bylaw No. 2000.04, 2007, adopted by the Board January 8, 2009.

Section 2.8 to 2.10 renumbered existing sections to new sections 2.7 to 2.9 by authority of Bylaw No. 2000.07, 2008, adopted by the Board May 7, 2009.

- 2.6 This Bylaw applies to development authorized by the issuance of a building permit except where the permit authorizes the construction of a building containing fewer than 3 dwelling units.
- 2.7 In the case of a building permit authorizing the construction of a building on a parcel of land with an area of less than 4040 m² existing on May 10, 2007, the servicing standards in Table B1 of Schedule B shall apply.
- 2.8 In the case of a building permit authorizing the construction of a building on a parcel that is located within or abuts an area that is provided with a community water system or a community sanitary sewage system, the building inspector may require the connection of the building to the system regardless of the area of the parcel.

3.0 REPEAL

The "Subdivision Servicing Bylaw No. 1567, 1995", and all amendments thereto, is repealed.

4.0 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"APPROVAL" means written approval of a subdivision by the Approving Officer or issuance of building permit by the Building Inspector.

"APPROVING OFFICER" means a person appointed under Section 77.2 of the Land Titles Act.

"BOARD" means the Regional District of Okanagan-Similkameen Board of Directors.

"BUILDING INSPECTOR" means a person appointed as a Building Inspector for the Regional District of Okanagan-Similkameen.

"COMMUNITY DRAINAGE SYSTEM" means a system of works owned, operated and maintained by the Ministry of Transportation and Highways, Regional District or a Strata Corporation, designed and constructed to control the collection, conveyance and disposal of surface and other water.

Section 4.0 definition of "Community Sanitary Sewage System" deleted and replaced by authority of Bylaw No. 2000.03, 2007, adopted by the Board September 6, 2007.

"Community Sewer System" means a system of sewage collection, treatment and disposal where:

- a) it is approved under Municipal Sewage Regulation (B.C. Reg. 129/99), the system serves more than one parcel and the system is owned, operated and maintained by a provincial or local government or improvement district as defined by the *Local Government Act*, or a strata corporation, as defined by the *Strata Property Act*, or an incorporated company; and
- b) which is established and operated under the *Health Act* and regulations or *Environmental Management Act*; and
- c) be acceptable under regulations or other provincial legislation that may apply."

"COMMUNITY WATER SYSTEM" means a system of waterworks, within the meaning of the "Health Act", which is owned, operated and maintained by the Regional District, an Improvement District, Irrigation District, or Utility operating under the Jurisdiction of the Ministry of Environment Lands & Parks as well as a water works system operated and maintained by a Strata Corporation.

"HIGHWAY" means and includes any street, road, lane, walkway, bridge, and any other way open to the public as defined in the Highway Act but does not include a private right-of-way on private property.

"LOCAL AUTHORITY" means the relevant local authority including but not limited to Regional District of Okanagan-Similkameen, Ministry of Transportation and Highways, Irrigation/Improvement District and Ministry of Health.

"MEDICAL HEALTH OFFICER" means the official appointed under the Health Act who has jurisdiction over the area in which the subdivision is located.

"OWNER" means a person, registered in the Land Titles Office as owner of land or a charge on land whether entitled to it in his own right or in a representative capacity or otherwise, and includes "registered owner".

"PARCEL" means any lot, block or other area in which land is held or into which land is subdivided, but does not include a highway or portion thereof.

Definition of "Potable Water" amended by authority of Bylaw No. 2189, adopted by the Board June 19, 2003

"POTABLE WATER" means water that, in the written opinion of the Medical Health Officer, is "potable water" as defined in the Safe Drinking Regulation (B.C. Reg. 230/92).

"PROFESSIONAL ENGINEER" means a person who is registered or duly licensed as such, under the provisions of the "Engineers and Geoscientists Profession Act" of the Province of British Columbia and retains Professional Errors and Omissions and General Liability insurance coverage.

"REGIONAL DISTRICT" means Regional District of Okanagan-Similkameen.

"SUBDIVISION" means the division of land into two or more parcels, whether by plan, apt descriptive words, or otherwise and includes consolidation of two or more parcels as well as boundary adjustments.

"WALKWAY" means a public way for the predominant use of pedestrian traffic.

"WORKS AND SERVICES" means any public service, facility or utility which is required or regulated by this Bylaw and without restricting the generality of the foregoing includes: the supply and distribution of water; collection and disposal of sanitary sewage and drainage water; street lighting; access roadways, curbs, gutters, and sidewalks; and natural gas, power, telephone and cablevision services.

"ZONE" means a zone or land-use designation as provided for in the Bylaws of the Regional District of Okanagan-Similkameen, and amendments thereto.

All words or expressions used in the Bylaw shall have the same meaning assigned to them as like words or expressions contained in the "Land Title Act" and the "Local Government Act".

5.0 GENERAL PROVISIONS

5.1 Severability

The provisions of this Bylaw are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

5.2 Administration

This Bylaw shall be administered by:

- a) The Local Authority where works and services are to be provided because of subdivision of land; or
- b) The Building Inspector of the Regional District of Okanagan-Similkameen where works and services are to be provided pursuant to Section 938 (6), (7), or (8) of the Local Government Act because of an application for a building permit who shall forward the proposed requirements for works and services to the Local Authority for approval; or
- c) Some other officer appointed by the Board.

5.3 Record Kept

1. The Approving Officer shall maintain a record of all applications submitted under this Bylaw with respect to subdivisions, which record shall indicate the final disposition of all such applications thereon.
2. The Building Inspector shall maintain a record of all occasions when the provisions of this Bylaw are used under Section 938 (6), (7), or (8) of the Local Government Act to require the provision of works and services in accordance with the standards of this Bylaw and this record will show what works and services were provided and where.

5.4 Authorization for Entry

Employees of the Local Authority are hereby authorized to enter at all reasonable times upon such any property or premises to inspect the same in connection with their duties under this Bylaw and to ascertain whether the provisions of this Bylaw are being complied with.

5.5 Measurements

All measurements in this Bylaw are expressed in the Metric System.

5.6 Compliance with Other Regulations

- .1 (Applications for subdivision will be reviewed for compliance with the requirements of this Bylaw and other Local Authorities and Provincial legislation. Nothing contained in this Bylaw shall relieve the owner of a subdivision from the responsibility to seek out and comply with legislation applicable to his undertaking).
- .2 (Except where a setback of a building or structure in respect to a highway is concerned, no subdivision shall be approved which would cause any existing building or structure, sewage disposal installation or used source of potable water to contravene any Bylaw or other regulation in force).

5.7 Fire Hazard Areas

Where the Ministry of Forests indicates that a subdivision and/or development may be subject to a moderate and/or high fire risk, the Local Authority will require the developer to undertake a fire hazard risk assessment in terms of the National Fire Protection Association's "Standards for Protection of Life and Property from Wildfire" NFPA 299, latest edition and develop the subdivision in accordance with the recommendations of this study.

6.0 REQUIRED WORKS AND SERVICES

6.1 Works and Services

Schedule "B" reflects levels of works and services required.

6.2 Highway Width

Throughout the Regional District and in accordance with the following uses of highways, the subdivider or developer shall provide land for highways without compensation as required by the Ministry of Transportation & Highways:

- a) for motor vehicle use, land not less than 20 metres in width or as determined by the Ministry of Transportation & Highways.
- b) to widen an existing local highway that borders on or is within the subdivision or development as determined by Ministry of Transportation & Highways.
- c) notwithstanding subsection (a) of this section additional width may be required pursuant to Section 945(2) of the Local Government Act; and
- d) for motor vehicle use, lanes where deemed necessary pursuant to Section 75(1)(d) of the Land Title Act which shall have a minimum width of ten (10) metres; but
- e) for pedestrian use only, walkways shall have a minimum width of three (3) metres.

6.3 Roads

In the absence of a Highway classification schedule all highways, sidewalks and boulevards within the Regional District and administered by Ministry of Transportation and Highways shall be located, constructed and otherwise meet the standards found in Schedule "A" and "B" which are attached and form part of this bylaw.

6.4 Water

- (a) Where a community water system is available, or is being provided, every proposed subdivision which would create more than two (2) additional parcels and is within the boundaries of a Fire Protection District shall provide fire hydrants in accordance with Section 3.2.5 of Schedule "A".
- (b) In all subdivisions and developments where a water distribution system and fire hydrant system is required or, where no community water system is required and each newly created parcel is to be provided with a source of potable water, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and form part of this Bylaw.

6.5 Sewage Disposal

Section 6.5 "Effluent Disposal" deleted and replaced by authority of Bylaw No. 2000.03, 2007, adopted by the Board September 6, 2007.

In all subdivisions and developments where this Bylaw requires a community sanitary sewage system, it shall be designed and constructed and otherwise meet the standards set out in Schedule A."

6.6 Drainage

In all subdivisions and developments where a drainage collection system or a drainage disposal system is required, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and form part of this Bylaw. A drainage study may be required at the discretion of the Local Authority.

6.7 Streetlighting

In all subdivisions and developments where a streetlighting system is required, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and form part of this Bylaw. The developer will be required to appoint a Consultant, at no cost to the Local Authority, to set up the relevant Local Service Area and prepare the necessary Bylaw for enactment by the Local Authority.

6.8 Power

Every proposed subdivision shall have written confirmation that arrangements have been made to supply electrical power to each parcel being created by the subdivision. This confirmation shall be provided to the Regional District with the proposed plan of subdivision.

(a) Underground Wiring

In all subdivisions and developments where underground wiring is required, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and form part of this Bylaw.

(b) Overhead Wiring

Overhead wiring may be considered at the discretion of the Local Authority for some subdivisions and developments; and, where such overhead wiring is to be provided, it shall be located, constructed and otherwise meet the standards found in Schedule "A" which is attached to and forms part of this Bylaw.

(c) Natural Gas

Natural gas services may, at the owner's option, be provided for some subdivisions and developments; and, where such natural gas services are to be provided, they shall be located, constructed and otherwise meet the standards found in Schedule "A" which is attached to and forms part of this Bylaw.

6.9 Overhead Wiring and Natural Gas

1. Overhead wiring may be considered at the discretion of the Local Authority for some subdivisions and developments; and, where such overhead wiring is to be provided, it shall be located, constructed and otherwise meet the standards found in Schedule "A" which is attached to and form part of this Bylaw.
2. Natural gas services may, at the owner's option, be provided for some subdivisions and developments; and, where such natural gas services are to be provided, they shall be located, constructed and otherwise meet the standards found in Schedule "A" which is attached to and forms part of this Bylaw.

7.0 SECURITY

Where:

- a) all works and services excluding roadworks under jurisdiction of Ministry of Transportation and Highways required to be constructed or installed at the expense of the subdivider are not constructed or installed, before the Local Authority approves the subdivision, security in the form of a cash deposit, or an irrevocable letter of credit from a financial institution acceptable to the Regional District, in the amount of 120% of the estimated construction cost as estimated by the Local Authority, shall be deposited with the Regional District; and
- b) where all works and services required to be constructed and installed at the expense of the developer pursuant to Section 938 (6), (7), or (8) of the Local Government Act are not constructed or installed, before the Building Inspector issues the building permit, security in the form of a cash deposit, or an irrevocable letter of credit from a financial institution acceptable to the Regional District, in the amount of 120% of the estimated construction cost as estimated by the Building Inspector, shall be deposited with the Regional District.

8.0 FEES

8.1 Application Fees

Section 8.1 amended by authority of Bylaw No. 2000.01, adopted by the Board February 9, 2006.

Subdivision application fees are set out in Bylaw No. 906.

8.2 Inspection Fee

An inspection fee equal to 3 percent of the construction cost (as estimated by the Regional District) of works and services which are reviewed or inspected by the Regional District, with a minimum design review fee of \$500, shall be paid to the Regional District before a subdivision is approved.

The inspection fee under this section is not payable if the proposed subdivision does not include any works and services which are operated by the Regional District. In such cases, the Regional District will not review the design for the works and services or inspect the works and services.

The inspection fee in excess of the \$500 minimum under this section is not payable if the owner submits a certificate from a professional engineer that all works and services have been inspected by the engineer and have been completed in accordance with the requirements of this bylaw.

9.0 OVERSIZING OF WORKS

9.1 Where an owner in accordance with this Bylaw provides a highway or water, sewage or drainage facilities that serve land other than the land being subdivided or developed, and

- a) The Local Authority has required that the owner provide excess or extended highway, water, sewage or drainage facilities; and
- b) The Local Authority has considered the cost of the Local Authority providing such facilities in whole or in part would be excessive; and
- c) The Local Authority has:
 - i) determined the portion of the cost of providing excess or extended services,

- ii) determined which part of excess or extended services will benefit each parcel served; and
- iii) imposed, as a condition of an owner connecting to or using the excess or extended service, a charge related to the benefit under (ii)

all in accordance with Section 939 of the Local Government Act; the interest rate on the charge payable under c(iii) shall be at Prime + 2% at the time of the execution of the latecomer agreement, calculated annually.

10.0 SUBDIVISIONS WHERE SERVICING REQUIREMENTS MAY BE WAIVED

Notwithstanding the above, the servicing requirements prescribed in Schedule "B" of this Bylaw may be waived by the Local Authority where the parcel created is to be used solely for the unattended equipment necessary for the operation of:

- a) a community water system;
- b) a community sewer system;
- c) a community gas distribution system;
- d) a community radio or television receiving antenna;
- e) a radio or television receiving antenna;
- f) a telecommunication relay station;
- g) an automatic telephone exchange;
- h) an air or marine navigational aid;
- i) electrical substations or generating stations; or
- j) any other similar public service or quasi-public service facility or utility.

11.0 BYLAW SCHEDULES

11.1 The following is a list of schedules attached hereto and which form a part of this Bylaw:-

[Schedule "A" - Design Criteria, Specifications, and Standard Drawings](#)

[Schedule "B" - Level of Works and Services](#)

11.2 The following is a list of appendices attached hereto for the purpose of providing information only and which do not form a part of this Bylaw.

[Appendix "A"](#) - Drawing Submissions - Acceptable Standards

[Appendix "B"](#) - Typical Forms and Agreements

[Appendix "C"](#) - Administrative Provisions

11.3 ADOPTION

Read a First, Second, and Third time this 20th day of June

Third reading rescinded this 18th day of July, 2002

Read a Third time as amended this 18th day of July, 2002

Approved by the Minister of Community, Aboriginal and Women's Services pursuant to the provisions of Section 913 of the Local Government Act this 5th day of September, 2002

ADOPTED on the 19th day of September, 2002

Chairman

Legislative Services Manager